

CRANDALL FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2822  
(Reference to printed bill)

1 Page 1, strike lines 2 through 25

2 Renumber to conform

3 Line 27, strike "A."

4 Strike lines 29 through 45

5 Page 2, strike lines 1 through 16, insert:

6 "Sec. 2. Section 3-107, Arizona Revised Statutes, is amended to read:

7 3-107. Organizational and administrative powers and duties of  
8 the director

9 A. The director shall:

10 1. Formulate the program and policies of the department and adopt  
11 administrative rules to effect its program and policies.

12 2. Ensure coordination and cooperation in the department in order to  
13 achieve a unified policy of administering and executing its responsibilities.

14 3. Subject to section 35-149, accept, expend and account for gifts,  
15 grants, devises and other contributions of money or property from any public  
16 or private source, including the federal government. All contributions shall  
17 be included in the annual report under paragraph 6 of this subsection.  
18 Monies received under this paragraph shall be deposited, pursuant to sections  
19 35-146 and 35-147, in special funds for the purpose specified, which are  
20 exempt from section 35-190 relating to lapsing of appropriations.

21 4. Contract and enter into interagency and intergovernmental  
22 agreements pursuant to title 11, chapter 7, article 3 with any private party  
23 or public agency.

24 5. Administer oaths to witnesses and issue and direct the service of  
25 subpoenas requiring witnesses to attend and testify at or requiring the  
26 production of evidence in hearings, investigations and other proceedings.

27 6. Not later than September 30 each year issue a report to the  
28 governor and the legislature of the department's activities during the  
29 preceding fiscal year. The report may recommend statutory changes to improve

1 the department's ability to achieve the purposes and policies established by  
2 law. The director shall provide a copy of the report to the Arizona state  
3 library, archives and public records.

4 7. Establish, equip and maintain a central office in Phoenix and field  
5 offices as the director deems necessary.

6 8. Sign all vouchers to expend money under this title, which shall be  
7 paid as other claims against this state out of the appropriations to the  
8 department.

9 9. Coordinate agricultural education efforts to foster an  
10 understanding of Arizona agriculture and to promote a more efficient  
11 cooperation and understanding among agricultural educators, producers,  
12 dealers, buyers, mass media and the consuming public to stimulate the  
13 production, consumption and marketing of Arizona agricultural products.

14 10. Employ staff and terminate employment for cause as provided by  
15 title 41, chapter 4, article 5.

16 11. Conduct hearings on appeals of the portion of plow-up refunds  
17 withheld as a penalty pursuant to criteria adopted pursuant to section  
18 3-1087, subsection B. The director may adopt rules to implement this  
19 paragraph.

20 12. Cooperate with the Arizona-Mexico commission in the governor's  
21 office and with researchers at universities in this state to collect data and  
22 conduct projects in the United States and Mexico on issues that are within  
23 the scope of the department's duties and that relate to quality of life,  
24 trade and economic development in this state in a manner that will help the  
25 Arizona-Mexico commission to assess and enhance the economic competitiveness  
26 of this state and of the Arizona-Mexico region.

27 13. GENERALLY SUPERVISE THE REGULATION OF STRUCTURAL PEST CONTROL  
28 PURSUANT TO TITLE 32, CHAPTER 22, INCLUDING THE APPOINTMENT OF ADVISORY  
29 COMMITTEES UNDER SECTION 3-106.

30 B. The director may:

31 1. Authorize in writing any qualified officer or employee in the  
32 department to perform any act that the director is authorized or required to  
33 do by law.

1           2. Construct and operate border inspection stations or other necessary  
2 facilities in this state and cooperate by joint agreement with an adjoining  
3 state in constructing and operating border inspection stations or other  
4 facilities within the boundaries of this state or of the adjoining state.

5           3. Cooperate with agencies of the United States and other states and  
6 other agencies of this state and enter into agreements in developing and  
7 administering state and federal agricultural programs regarding the use of  
8 department officers, inspectors or other resources in this state, in other  
9 states or in other countries.

10          4. Cooperate with the office of tourism in distributing Arizona  
11 tourist information.

12          5. Enter into compliance agreements with any person, state or  
13 regulatory agency. For the purposes of this paragraph, "compliance  
14 agreement" means any written agreement or permit between a person and the  
15 department for the purpose of enforcing the department's requirements.

16          6. Abate, suppress, control, regulate, seize, quarantine or destroy  
17 any agricultural product or foodstuff that is adulterated or contaminated as  
18 the result of an accident at a commercial nuclear generating station as  
19 defined in section 26-301, paragraph 1. A person owning an agricultural  
20 product or foodstuff that has been subject to this paragraph may request a  
21 hearing pursuant to title 41, chapter 6, article 10.

22          7. Engage in joint venture activities with businesses and commodity  
23 groups that are specifically designed to further the mission of the  
24 department, that comply with the constitution and laws of the United States  
25 and that do not compete with private enterprise.

26          8. Sell, exchange or otherwise dispose of personal property labeled  
27 with the "Arizona grown" trademark. Revenues received pursuant to this  
28 paragraph shall be credited to the commodity promotion fund established by  
29 section 3-109.02."

30 Page 2, line 42, strike "~~title 32~~, chapter ~~22~~ 19 OF THIS TITLE" insert "title 32,  
31 chapter 22"

Page 3, line 29, strike "3-3501" insert "32-2301"; after the second comma strike  
remainder of line

Line 30, strike "renumbered by this act,"

Line 31, strike "3-3501" insert "32-2301"

Strike lines 33 and 34, insert:

"1. "ACTING DIRECTOR" MEANS THE PERSON APPOINTED PURSUANT TO SECTION  
32-2302 TO SERVE AS THE ACTING DIRECTOR OF THE AGENCY.

2. "AGENCY" MEANS THE STRUCTURAL PEST CONTROL AGENCY ESTABLISHED BY  
SECTION 32-2302."

Re-number to conform

Page 4, between lines 25 and 26, insert:

"7. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF AGRICULTURE."

Re-number to conform

Between lines 33 and 34, insert:

"10. "DIRECTOR" MEANS THE DIRECTOR OF THE ARIZONA DEPARTMENT OF  
AGRICULTURE."

Re-number to conform

Line 40, strike "DIVISION" insert "AGENCY"

Page 5, lines 12, 18, 21 and 34, strike "DEPARTMENT" insert "AGENCY"

Line 43, strike "Arizona" insert "Arizona"; strike "of" insert "of"

Line 44, strike "agriculture" insert "agriculture"; strike "title 3," insert  
"title 3,"; strike "OF THIS TITLE"

Page 6, line 3, after "commission" insert "ACTING"

Between lines 7 and 8, insert:

"Sec. 5. Title 32, chapter 22, article 1, Arizona Revised Statutes, is  
amended by adding a new section 32-2302, to read:

32-2302. Structural pest control agency: acting director

A. THE STRUCTURAL PEST CONTROL AGENCY IS ESTABLISHED.

B. THE DIRECTOR OF THE ARIZONA DEPARTMENT OF AGRICULTURE SHALL APPOINT  
AN OFFICER OR EMPLOYEE OF THE DEPARTMENT TO SERVE AS THE ACTING DIRECTOR OF  
THE AGENCY, UNDER THE GENERAL SUPERVISION OF THE DIRECTOR AS PROVIDED BY THIS  
CHAPTER."

Re-number to conform

- 1 Page 6, line 8, strike "3-3502" insert "32-2304"; after the second comma strike  
2 remainder of line
- 3 Line 9, strike "renumbered by this act,"
- 4 Line 10, strike "3-3502" insert "32-2304"
- 5 Line 11, after "~~commission~~" insert "ACTING"
- 6 Line 12, after "CHAPTER" insert ", UNDER THE GENERAL SUPERVISION OF THE  
7 DIRECTOR,"
- 8 Line 37, after "~~commission~~" insert "ACTING"
- 9 Page 7, lines 8, 10 and 11, after "~~commission~~" insert "ACTING"
- 10 Page 8, line 36, strike "ASSOCIATE" insert "ACTING"
- 11 Line 38, after "~~commission~~" insert "ACTING"
- 12 Line 40, after "THE" insert "ACTING"
- 13 Line 43, strike "DEPARTMENT OF AGRICULTURE" insert "AGENCY"
- 14 Line 44, after "~~commission~~" insert "ACTING"
- 15 Page 9, line 9, after "~~commission~~" insert "ACTING"
- 16 Line 27, after "~~period~~" insert "ACTING"
- 17 Line 34, strike "~~32-2329~~ 3-3567" insert "32-2329"
- 18 Line 44, strike "~~32-2311~~ 3-3531" insert "32-2311"; strike "C" insert "D"
- 19 Page 10, lines 12, 13, 16 and 17, after "~~commission~~" insert "ACTING"
- 20 Line 19, strike "DIVISION" insert "AGENCY"
- 21 Line 35, after "~~commission~~" insert "ACTING"
- 22 Page 11, line 12, after "~~commission~~" insert "ACTING"
- 23 Line 26, strike "3-3503" insert "32-2305"; after the second comma strike  
24 remainder of line
- 25 Line 27, strike "renumbered by this act,"
- 26 Line 28, strike "3-3503" insert "32-2305"
- 27 Line 38, strike "3-3504" insert "32-2306"; after the second comma strike  
28 remainder of line
- 29 Line 39, strike "renumbered by this act,"
- 30 Line 40, strike "3-3504" insert "32-2306"
- 31 Line 42, strike "ASSOCIATE" insert "ACTING"
- 32 Line 44, strike "~~32-2304~~ 3-3502" insert "32-2304"

1 Page 12, line 4, strike "ASSOCIATE" insert "ACTING"  
2 Lines 9, 10 and 13, after "~~commission~~" insert "ACTING"  
3 Line 14, strike "3-3506" insert "32-2308"; after the second comma strike  
4 remainder of line  
5 Line 15, strike "renumbered by this act,"  
6 Line 16, strike "3-3506" insert "32-2308"  
7 Line 23, after "THE" insert "ACTING"  
8 Line 29, strike "ASSOCIATE" insert "ACTING"  
9 Line 31, strike "3-3531" insert "32-2311"; after the second comma strike  
10 remainder of line  
11 Line 32, strike "renumbered by this act,"  
12 Line 33, strike "3-3531" insert "32-2311"  
13 Line 36, strike "~~title 3,~~" insert "title 3,"  
14 Line 37, strike "OF THIS TITLE"  
15 Lines 43 and 44, strike "~~performing emergency response or rescue services~~ ACTING  
16 IN THEIR OFFICIAL CAPACITY" insert "performing emergency response or rescue  
17 services"  
18 Page 13, line 3, strike "~~32-2307~~ 3-3505" insert "32-2307"  
19 Between lines 22 and 23, insert:  
20 "B. AN EMPLOYEE OF A POLITICAL SUBDIVISION WHO ENGAGES IN STRUCTURAL  
21 PEST CONTROL:  
22 1. IS NOT REQUIRED TO BE LICENSED UNDER SECTION 32-2313 OR 32-2314.  
23 2. MUST BE LICENSED AS AN APPLICATOR UNDER SECTION 32-3212, EXCEPT AS  
24 PROVIDED BY SUBSECTION A, PARAGRAPH 4 OF THIS SECTION."  
25 Reletter to conform  
26 Line 32, strike "B" insert "C"  
27 Line 36, after "~~commission~~" insert "ACTING"  
28 Page 14, line 1, strike "3-3532" insert "32-2312"; after the second comma strike  
29 remainder of line  
30 Line 2, strike "renumbered by this act,"  
31 Line 3, strike "3-3532" insert "32-2312"  
32 Lines 6, 27 and 45, after "~~commission~~" insert "ACTING"

Page 15, lines 1, 3 and 5, after "~~commission~~" insert "ACTING"

Line 8, strike "~~32-2319 3-3536~~" insert "32-2319"

Line 9, strike "3-3533" insert "32-2313"; after the second comma strike remainder of line

Line 10, strike "renumbered by this act,"

Line 11, strike "3-3533" insert "32-2313"

Line 14, strike "DIRECTOR" insert "AGENCY"

Line 20, after "~~commission~~" insert "ACTING"

Lines 28 and 30, strike "DEPARTMENT" insert "ACTING DIRECTOR"

Strike lines 31 through 45

Page 16, strike lines 1 through 4, insert:

"1. Proof of financial responsibility consisting of either a deposit of money, liability insurance, SELF-INSURED RETENTION, a surety bond or a certified check protecting persons who may suffer legal damages as a result of the operations of the applicant. The ~~commission~~ ACTING DIRECTOR shall not accept a bond or a liability insurance policy unless issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state. The amount of the deposit, insurance, SELF-INSURED RETENTION or bond shall be at least ~~three~~ FIVE hundred thousand dollars ~~for property damage and public liability insurance, each separately,~~ and shall be maintained at not less than that amount at all times during the licensing period. The license of a business licensee ~~who permits the security of either property damage or public liability insurance to fall below the sum of three~~ WHOSE FINANCIAL SECURITY FALLS BELOW THE MINIMUM FIVE hundred thousand dollars shall be suspended by the ~~commission~~ ACTING DIRECTOR and shall remain suspended until the security meets the minimum financial SECURITY requirement. The ~~property damage and public liability insurance~~ FINANCIAL SECURITY need only cover those particular operations in which the licensee is engaged at any time. If the financial security is in the form of liability insurance or a surety bond, the ~~insurer or surety shall provide~~ LICENSEE SHALL FURNISH THE ACTING DIRECTOR WITH a certificate of coverage that indicates the coverages and endorsements required by this subsection ON A FORM PRESCRIBED BY THE ACTING DIRECTOR."

1 Page 16, line 21, strike "be limited to ten thousand dollars" insert "NOT EXCEED  
2 ONE PER CENT OF THE TOTAL FINANCIAL SECURITY"  
3 Line 22, strike "ten thousand dollars" insert "ONE PER CENT OF THE TOTAL  
4 FINANCIAL SECURITY"  
5 Line 31, after the first "the" insert "PROOF OF"; strike "is in the form of  
6 liability insurance" insert "ON FILE WITH THE AGENCY EXPIRES"  
7 Lines 34 and 37, after "~~commission~~" insert "ACTING"  
8 Page 17, line 4, strike "3-3534" insert "32-2314"; after the second comma strike  
9 remainder of line  
10 Line 5, strike "renumbered by this act,"  
11 Line 6, strike "3-3534" insert "32-2314"  
12 Lines 9, 30 and 32, after "~~commission~~" insert "ACTING"  
13 Page 18, lines 11 and 13, after "~~commission~~" insert "ACTING"  
14 Line 16, strike "~~32-2319~~ 3-3536" insert "32-2319"  
15 Line 17, after "~~commission~~" insert "ACTING"  
16 Line 18, strike "~~32-2304~~ 3-3502" insert "32-2304"  
17 Lines 20 and 33, after "~~commission~~" insert "ACTING"  
18 Line 34, strike "~~32-2317~~ 3-3535" insert "32-2317"  
19 Line 35, after "~~commission~~" insert "ACTING"  
20 Line 36, strike "~~32-2319~~ 3-3536" insert "32-2319"  
21 Line 41, strike "3-3535" insert "32-2317"; after the second comma strike  
22 remainder of line  
23 Line 42, strike "renumbered by this act,"  
24 Line 43, strike "3-3535" insert "32-2317"  
25 Line 44, after "~~commission~~" insert "ACTING"  
26 Line 45, strike "~~32-2304~~ 3-3502" insert "32-2304"  
27 Page 19, line 21, strike "DEPARTMENT" insert "AGENCY"  
28 Line 22, after "~~deems~~" insert "ACTING"  
29 Line 25, strike "3-3536" insert "32-2319"; after the second comma strike  
30 remainder of line  
31 Line 26, strike "renumbered by this act,"  
32 Line 27, strike "3-3536" insert "32-2319"  
33 Line 30, after "~~commission~~" insert "ACTING"



1 Page 19, line 38, strike "3-3561" insert "32-2321"; after the second comma strike  
2 remainder of line  
3 Line 39, strike "renumbered by this act,"  
4 Line 40, strike "3-3561" insert "32-2321"  
5 Line 43, after "~~commission~~" insert "ACTING"  
6 Page 20, lines 11, 16 and 41, after "~~commission~~" insert "ACTING"  
7 Page 21, line 13, strike "DIVISION" insert "AGENCY"  
8 Line 14, strike "~~32-2329 3-3567~~" insert "32-2329"; after "~~commission~~" insert  
9 "ACTING"  
10 Lines 21, 28 and 33, after "~~commission~~" insert "ACTING"  
11 Page 22, line 19, strike "DIVISION" insert "AGENCY"  
12 Line 20, after "~~commission~~" insert "ACTING" in two places  
13 Lines 33 and 39, after "~~commission~~" insert "ACTING"  
14 Page 23, line 4, strike "~~32-2329 3-3567~~" insert "32-2329"  
15 Line 9, strike "ASSOCIATE" insert "ACTING"  
16 Lines 12 and 13, strike "~~32-2304 3-3502~~" insert "32-2304"  
17 Lines 33, 35, 38 and 41, after "~~commission~~" insert "ACTING"  
18 Page 24, line 15, strike "3-3562" insert "32-2323"; after the second comma strike  
19 remainder of line  
20 Line 16, strike "renumbered by this act,"  
21 Line 17, strike "3-3562" insert "32-2323"  
22 Line 25, after "~~commission~~" insert "ACTING"  
23 Page 25, line 9, strike "DEPARTMENT" insert "AGENCY"  
24 Line 13, after "~~commission's~~" insert "ACTING"  
25 Line 19, strike "DEPARTMENT" insert "AGENCY"  
26 Lines 20 and 21, after "~~commission~~" insert "ACTING"  
27 Line 23, strike "~~32-2321 3-3561~~" insert "32-2321"  
28 Line 31, strike "DEPARTMENT" insert "AGENCY"  
29 Line 34, strike "3-3563" insert "32-2324"; after the second comma strike  
30 remainder of line  
31 Line 35, strike "renumbered by this act,"  
32 Line 36, strike "3-3563" insert "32-2324"  
33 Line 41, strike "DEPARTMENT" insert "AGENCY"

1 Page 26, lines 1 and 7, after "~~commission's~~" insert "ACTING"  
2 Line 16, strike "3-3564" insert "32-2324.01"; after the second comma strike  
3 remainder of line  
4 Line 17, strike "renumbered by this act,"  
5 Line 18, strike "3-3564" insert "32-2324.01"  
6 Line 22, strike "DEPARTMENT" insert "AGENCY"  
7 Lines 26 and 31, after "~~commission's~~" insert "ACTING"  
8 Line 43, after "~~commission~~" insert "ACTING"  
9 Page 27, line 1, strike "3-3565" insert "32-2325"; after the second comma strike  
10 remainder of line  
11 Line 2, strike "renumbered by this act,"  
12 Line 3, strike "3-3565" insert "32-2325"  
13 Line 23, strike "DEPARTMENT" insert "AGENCY"  
14 Line 28, after "~~commission's~~" insert "ACTING"  
15 Line 35, strike "3-3566" insert "32-2327"; after the second comma strike  
16 remainder of line  
17 Line 36, strike "renumbered by this act,"  
18 Line 37, strike "3-3566" insert "32-2327"  
19 Line 38, after "~~commission~~" insert "ACTING"  
20 Page 28, line 1, strike "3-3567" insert "32-2329"; after the second comma strike  
21 remainder of line  
22 Line 2, strike "renumbered by this act,"  
23 Line 3, strike "3-3567" insert "32-2329"  
24 Line 4, after "~~commission~~" insert "ACTING"  
25 Line 6, after "~~it~~" insert "ACTING"  
26 Strike lines 12 through 45  
27 Strike pages 29 and 30  
28 Page 31, strike lines 1 through 22  
29 Renumber to conform  
30 Page 32, strike lines 5 and 6 insert "shall provide to the structural pest control  
31 ~~commission~~ AGENCY all records, reports and information of all illnesses  
32 resulting from documented exposure to"  
33 Strike lines 8 through 45

Page 33, strike lines 1 through 21

Renumber to conform

Page 34, strike line 35, insert:

"(aa) The structural pest control ~~commission~~ AGENCY."

Reletter to conform

Between lines 41 and 42, insert:

"Sec. 25. Reorganizing and restructuring structural pest control regulation: advisory committee: transition committee; report

A. The acting director of the structural pest control agency shall evaluate the necessity and advisability of reorganizing and restructuring the regulation of the structural pest control industry in this state.

B. Pursuant to section 3-106, Arizona Revised Statutes, the director of the Arizona department of agriculture:

1. Shall appoint and consult with a structural pest control advisory committee for counsel and recommendations relating to the evaluation and the report required pursuant to subsection C of this section.

2. May appoint a separate transition advisory committee to consider, assist and make recommendations to the acting director of the structural pest control agency relating to issues arising in respect of any transition to a new organization or structure of this state's regulation of the structural pest control industry.

C. On or before November 15, 2009, the acting director shall:

1. Issue a report of findings and recommendations.

2. Submit copies of the report to the governor, the president of the senate, the speaker of the house of representatives, the Arizona state library, archives and public records, the secretary of state and any other person requesting a copy."

Renumber to conform

Strike lines 42 through 45

Strike page 35

Page 36, strike lines 1 through 13

Renumber to conform

1 Page 36, lines 15 and 23, strike "Arizona department of agriculture" insert  
2 "structural pest control agency"  
3 Lines 27 and 28, strike "Arizona department of agriculture" insert "structural  
4 pest control agency"  
5 Lines 36 and 39, strike "Arizona department of agriculture" insert structural  
6 pest control agency"  
7 Between lines 40 and 41, insert:  
8 "Sec. 27. Delayed repeal  
9 Title 32, chapter 22, Arizona Revised Statutes, is repealed from and  
10 after December 31, 2010."  
11 Renumber to conform  
12 Amend title to conform

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RICH CRANDALL

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